

HOUSE BILL 3391

By Lollar

AN ACT to amend Tennessee Code Annotated, Title 6,  
relative to municipal governments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-102(a), is amended by adding the following as a new subdivision:

(4) The provisions of subdivision (a)(1) that are in conflict with this subdivision (4) do not apply in any county having a population of greater than nine hundred thousand (900,000) according to the 2010 federal census or any subsequent federal census. In such county, notwithstanding § 6-58-111(a), if the proposal to extend the corporate limits by the annexation of territory adjoining the existing boundaries of a municipality is proposed by the municipality upon its own initiative, after notice and public hearing, by ordinance, the ordinance shall not become operative until an election is held at the expense of the proposing municipality for approval or disapproval of such annexation by the qualified voters who reside in the territory proposed for annexation. The operation of the ordinance shall be subject to approval of the voters who reside in such territory. The county election commission shall hold an election thereon, providing options to vote "For" or "Against" the ordinance, not less than forty-five (45) days nor more than sixty (60) days after the receipt of a certified copy of such ordinance, and a majority vote of those voting in the election shall determine whether the ordinance is to be operative. A vote "For" the ordinance shall be a vote "For Annexation", and a vote "Against" the ordinance shall be a vote "Against Annexation". If a majority of all the qualified voters voting thereon in the territory proposed to be annexed, vote for the annexation ordinance, the annexation ordinance shall become effective thirty (30) days after the

certification of the county election commission makes its official canvass of the election returns; such ordinance shall not become operative before the expiration of one hundred twenty (120) days following the final passage of the annexation ordinance.

SECTION 2. Tennessee Code Annotated, Section 6-58-111, is amended by adding the following as a new subsection (d):

(d) The provisions of subdivision (a) (b) and (c) that are in conflict with this subdivision (d) do not apply to any municipality in a county having a population in excess of nine hundred thousand (900,000) according to the 2010 federal census or any subsequent federal census, whose city limits are contracted pursuant to § 6-51-203. Such municipality will no longer be able to show the deannexed territory as part of its approved urban growth boundaries and such area shall be included within the planned growth area of the county, notwithstanding § 6-58-104(a)(7) and other provisions of this part.

SECTION 3. Tennessee Code Annotated, Title 6, Chapter 51, Part 2, is amended by adding the following language as a new section 6-51-203:

(a)

(1) Any municipality in a county having a population in excess of nine hundred thousand (900,000) according to the 2010 federal census or any subsequent federal census, may contract its limits within any given territory provided, that three-fourths ( $\frac{3}{4}$ ) of the qualified voters voting in an election thereon assent thereto in accordance with subdivision (2).

(2)

(A) If a petition is filed and approved in a referendum by the qualified voters who reside within any given territory, the incorporated city or town which is the subject of the referendum petition, may contract its limits within the specified territory.

(B) Before a petition may be circulated, at least one (1) registered voter of the incorporated city or town who resides within the territory shall file with the county election commission:

(1) The proper form of the petition; and

(2) The text of the question posed in the petition for deannexation. The text shall include the description of the northern, eastern, southern, and western boundaries of the territory to be contracted by use of official road names or numbers, or both, names of lakes and waterways, or other identifiable landmarks, as appropriate. An inclusion of a map that includes a general delineation of the area or areas shall be included with the petition and may be circulated by the petitioner when obtaining signatures.

(C) The county election commission shall certify whether the petition is in proper form within thirty (30) days after the filing of the documentation required by subdivision (a)(2)(B). The individual or individuals filing the petition shall have fifteen (15) days to cure any defects in the documentation required by subdivision (a)(2)(B) by filing revised documentation in the proper form with the county election commission. The county election commission shall determine within five (5) days whether or not the revised documentation shall be certified for final approval.

(D) The petition shall be signed by at least fifteen percent (15%) of the total number of the registered voters who voted in the last municipal election, in the territory that wishes to be contracted. The disqualification

of one (1) or more signatures shall not render a petition invalid, but shall disqualify such signatures from being counted towards the statutory minimum number of signatures required in this section.

(3)

(A) Each completed petition shall contain the following:

- (i) The full text of the question attached to each petition;
- (ii) The genuine signature and address of registered voters only, pursuant to the requirements § 2-1-107;
- (iii) The printed name of each signatory; and
- (iv) The date of signature.

The completed petition shall be filed with the county election commission within seventy-five (75) days after certification by the county election commission as required by subdivision (a)(2)(C) that the petition is in the proper form. In addition, the petition for the referendum shall be filed at least sixty (60) days before a city or town election may be held on the question contained in such petition. The question contained in a petition filed less than sixty (60) days before an upcoming city or town election will be placed on the ballot of the following city or town election.

(B) Any person may request either in person or in writing that the county election commission remove such person's name from a petition. Such request must be made within eight (8) days of filing of the completed petition and before final certification by the county election commission of the petition.

(C) The contraction of limits within any given territory shall not occur by referendum unless three-fourths ( $\frac{3}{4}$ ) of the qualified voters

residing within the area to be deannexed voting in a city or town election thereon assent thereto. If three-fourths ( $\frac{3}{4}$ ) of the qualified voters voting thereon in the territory proposed to be deannexed, vote for the deannexation as provided therein, the deannexation shall become effective one hundred eighty (180) days after the certification of the county election commission makes its official canvass of the election returns.

(D) Upon final passage of the referendum, the legislative body of the incorporated city or town that is being deannexed or its designee shall provide to the county mayor and the county sheriff a copy of a detailed map designating the deannexed area and services dealing with emergency services that the incorporated city or town will no longer be providing to the deannexed area. The map shall identify all public and private streets in the area to be deannexed, including street names and direction indicators. The map shall include or have appended a list of address ranges for each street to be deannexed. If the county is unable to provide emergency services to the deannexed territory after the effective date of hundred eighty (180) days after the passage of the referendum, then the county may contract with the former incorporated city or town to provide emergency services until the county can adequately provide services. The county must be able to provide emergency services no later than seven hundred thirty days (730) days after passage of the referendum.

(b) Except for responsibility for any debt contracted prior to the surrender of jurisdiction, all municipal jurisdiction shall cease over the territory excluded from the

municipality's corporate limits one hundred eighty (180) days after the certification of the results of the election. The municipality may continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of any debt contracted prior to the exclusion.

(c) The chief executive officer of the municipality shall notify the county tax assessor as to contractions in the territorial limits of the municipality and shall provide the county tax assessor with a complete description of all property affected by the contractions. If there is any debt owed to the municipality, the municipality will provide adequate documentation to the tax assessor showing what debt was not paid in full during the time that the excluded territory was a part of the municipality.

(d) Nothing in this section shall apply to metropolitan forms of government.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.